

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

OCT 11 2000

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

RECEIVED

OCT 11 2000

Judge
THOMAS F. HOGAN

In Re: Vitamins Antitrust Litigation

MISC. No. 99-01-97: (TFH)

This Document Relates To:

MDL No. 1285

NBTY, Inc., Rexall Sundown, Inc., Twin Laboratories, Inc., and Cambr Company, Inc., f/k/a Solgar Vitamin & Herb Company v. F. Hoffmann-LaRoche Ltd., et al.,

Case No. 99-CV-2372

Perrigo Company, et al. v. F. Hoffmann-LaRoche Ltd., et al.,

Case No. 99-CV-2411

Natural Alternatives International, Inc., Nutraceutical Corporation, Makers of Kal, Inc., and Weider Nutrition Group, Inc. v. F. Hoffmann-LaRoche Ltd., et al.,

Case No. 99-CV-2682

Leiner Health Products Inc. v. F. Hoffmann-LaRoche Ltd., et al.,

Case No. 99-CV-3047

*Let this be filed.
Hogan. J.
10.11.00*

**STIPULATION FOR DISMISSAL OF CLAIMS AGAINST E. MERCK,
MERCK KGaA AND EM INDUSTRIES, INC. WITH PREJUDICE**

In accordance with Rule 41 of the Federal Rules of Civil Procedure, Plaintiffs NBTY, Inc., Rexall Sundown, Inc., Twin Laboratories, Inc., Perrigo Company, Natural Alternatives International, Inc., Nutraceutical Corporation, Makers of Kal, Inc., Leiner Health Products Inc. and Weider Nutrition Group, Inc. (collectively "Plaintiffs") and Defendants E. Merck, Merck KGaA and EM Industries, Inc. stipulate and agree to the dismissal, with prejudice, of Plaintiffs' claims in each of the above-captioned Lawsuits against E. Merck, Merck KGaA and EM Industries, Inc. only. This dismissal with prejudice is without prejudice to Plaintiffs' claims against any other Defendants or alleged co-conspirators in the above-captioned cases. A proposed Order of Dismissal With Prejudice accompanies this Stipulation as Exhibit

Respectfully submitted,

KENNY NACHWALTER SEYMOUR
ARNOLD

CRITCHLOW & SPECTOR

Richard Alan Arnold, Esq.

William J. Blechman, Esq.

Scott E. Perwin, Esq.

201 South Biscayne Blvd.

Suite 1100

Miami, Florida 33131

By: 

Counsel for Conopco, Inc.

--and--

CLIFFORD CHANCE ROGERS &
WELLS LLP

Klaus H. Jander, Esq.

Craig M. Walker, Esq.

200 Park Avenue

New York, N.Y. 10166

By: 

Counsel for E. Merck, Merck
KGaA and EM Industries, Inc.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In Re: Vitamins Antitrust Litigation

MISC. No. 99-01-97: (TFH)

FILED

OCT 11 2000

NANCY MAYER-WHITTINGTON, C
U.S. DISTRICT COURT

This Document Relates To:

MDL No. 1285

*NBTY, Inc., Rexall Sundown, Inc., Twin
Laboratories, Inc., and Cambr Company,
Inc., f/k/a Solgar Vitamin & Herb
Company v. F. Hoffmann-LaRoche Ltd.,
et al.,*

Case No. 99-CV-2372

*Perrigo Company, et al. v. F. Hoffmann-
LaRoche Ltd., et al.,*

Case No. 99-CV-2411

*Natural Alternatives International, Inc.,
Nutraceutical Corporation, Makers of
Kal, Inc., and Weider Nutrition Group,
Inc. v. F. Hoffmann-LaRoche Ltd., et al.,*

Case No. 99-CV-2682

*Leiner Health Products Inc. v. F.
Hoffmann-LaRoche Ltd., et al.,*

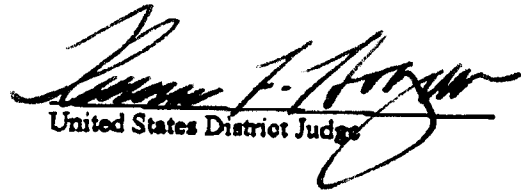
Case No. 99-CV-3047

**ORDER OF DISMISSAL OF E. MERCK, MERCK KGaA AND EM INDUSTRIES, INC.
WITH PREJUDICE**

AND NOW, this 11 day of October, 2000, upon consideration of the foregoing stipulation by Plaintiffs and Defendants E. Merck, Merck KGaA and EM Industries, Inc.

Ordered that the foregoing stipulation of Plaintiffs and Defendants E. Merck, Merck KGaA and EM Industries, Inc. to dismiss with prejudice Plaintiffs' claims in the above-captioned cases against Defendants E. Merck, Merck KGaA and EM Industries, Inc. is hereby Accepted. Accordingly, the claims in the above-captioned cases of Plaintiffs NBTY, Inc., Rexall Sundown, Inc., Twin Laboratories, Inc., Perrigo Company, Natural Alternatives International, Inc., Nutraceutical

Corporation, Makers of Kal, Inc., Leiner Health Products Inc. and Weider Nutrition Group, Inc. against Defendants E. Merck, Merck KGaA and EM Industries, Inc. are hereby dismissed with prejudice. This Order is without prejudice to Plaintiffs' claims against any other Defendants or alleged co-conspirators in the above-captioned cases.


United States District Judge

cc: Counsel for Settling Plaintiffs shall serve
conformed copies of this Order
to all counsel of record in MDL
No. 1285 through Verilaw